

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)

DAWN ANGIONE,	)	
individually and on behalf of all others	)	
similarly situated,	)	
	)	
Plaintiff,	)	
	)	Case No. 3:21-cv-00344
vs.	)	
	)	
NATIONAL COUNSELING GROUP, INC. et al.	)	
	)	
	)	
Defendants.	)	

**JOINT MOTION FOR FINAL APPROVAL OF  
FAIR LABOR STANDARDS ACT SETTLEMENT**

Plaintiff Dawn Hendricks (formerly Angione), on behalf of herself and Opt-in Plaintiffs who timely opted into the Settlement by submitting a Consent to Join Form (collectively, “Plaintiffs”), and Defendants National Counseling Group, Inc. and Francis A. Viera, Jr., by their respective counsel, hereby jointly move for Final Approval of the Settlement of this Fair Labor Standards Act (“FLSA”) collective action brought pursuant to 29 U.S.C. § 216(b).

The Parties respectfully request that the Court: (1) find the Settlement, consisting of a Gross Settlement Fund of \$685,000.00, a fair, reasonable, and adequate resolution to the parties’ *bona fide* dispute of FLSA claims; (2) award service payments to service payment recipients in the amount of \$5,000.00 to Named Plaintiff Dawn Hendricks (formerly Angione), \$1,000.00 to Opt-in Plaintiffs Francisco Diaz and Victor Holley; and \$600.00 to Opt-in Plaintiffs Lisa Morisco, Keta Satchell, Elizabeth Garcia, Julia Meredith, and Lensley Eidson from the Gross Settlement Fund; (3) award 30% of the Gross Settlement Fund to Plaintiffs’ Counsel for attorneys’ fees, litigation expenses and costs in the amount of \$205,500.00; (4) approve Claims

Administration fees of \$12,500.00 to be paid from the Gross Settlement Fund; (5) direct the Claims Administrator to issue settlement checks to Plaintiff and Opt-in Plaintiffs, service payments, attorneys' fees, litigation expenses and costs consistent with the Parties' Settlement Agreement; and (6) dismiss the case with prejudice for Plaintiff and Opt-in Plaintiffs who submitted Consents to Join (*see* ECF No. 46-2), but retain jurisdiction for enforcement of the Settlement.

In support of this Joint Motion, the Parties separately file a memorandum of law in support of final approval of the Settlement.

Respectfully submitted this the 31st day of January 2022.

<u>/s/ Molly A. Elkin</u> Molly A. Elkin Virginia State Bar No. 40967 McGILLIVARY STEELE ELKIN LLP 1101 Vermont Avenue, N.W., Suite 1000 Washington, DC 20005 Telephone: (202) 833-8855 mae@mselaborlaw.com  Sam J. Smith (admitted <i>pro hac vice</i> ) Loren Bolno Donnell (admitted <i>pro hac vice</i> ) Burr & Smith LLP 9800 4th Street North, Suite 200 St. Petersburg, FL 33702 Telephone: (813) 253-2010 SSmith@burrandsmithlaw.com <a href="mailto:LDonnell@burrandsmithlaw.com">LDonnell@burrandsmithlaw.com</a>  Counsel for Plaintiffs and Opt-in Plaintiffs	<u>/s/ David C. Burton</u> David C. Burton Virginia State Bar No. 33178 WILLIAMS MULLEN 222 Central Park Avenue, Suite 1700 Virginia Beach, Virginia 23462 Telephone: (757) 473-5354 Facsimile: (757) 473-0395 dburton@williamsmullen.com  Amanda M. Weaver Virginia State Bar No. 86782 Counsel for Defendant WILLIAMS MULLEN 200 South 10 <sup>th</sup> Street, Suite 1600 Richmond, Virginia 23219 Telephone: (804) 420-6226 Facsimile: (804) 420-6507 aweaver@williamsmullen.com  Edward S. Schenk III (admitted <i>pro hac vice</i> ) North Carolina Bar No. 32917 Counsel for Defendant
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 31st day of January 2022, I electronically filed the foregoing Joint Motion for Final Approval of Fair Labor Standards Act Settlement using the CM/ECF system, which will send a notification to attorneys of record.

/s/ Molly A. Elkin  
Molly A. Elkin